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Letter dated 5 November 2001 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a memorandum concerning the situation of human rights in Myanmar (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 119 (c).

(*Signed*) Kyaw Tint **Swe**
Permanent Representative

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Annex to the letter dated 5 November 2001 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

Memorandum on the situation of human rights in Myanmar

I. Introduction

At its fifty-fifth session, the General Assembly adopted resolution 55/112 of 4 December 2000, entitled "Situation of human rights in Myanmar". Typical of country-specific human rights resolutions, it contains many allegations that were based on information received from anti-government groups inside and outside the country as well as on the report of the previous Special Rapporteur, Judge Rajooma Lalah of the Commission on Human Rights. Being a report prepared from selective and dubious sources, it was most biased and derogatory. As a result, the resolution, based on such a report with an intent to pressure the country into making rapid political changes, became unrealistic, highly selective and subjective. Most allegations are based on half-truths and in many cases on pure fabrication that no one can verify with authority and certainty. Myanmar had no choice but to reject all the unfounded allegations contained therein.

Pursuant to resolution 55/112, the current session will continue its consideration of the situation of human rights in Myanmar. This memorandum provides information for use as a basis in this consideration. For all practical purposes, the information provided in the memorandum focuses on areas addressed in the resolution and where positive changes have taken place.

II. Political situation

The emergence of a peaceful, prosperous and functioning democracy is the ultimate objective of the Myanmar Government. Accordingly, the country is in the process of an evolution to a multiparty democracy with every effort being made to lay firm foundations in order to build the essential and necessary groundworks required to become a functioning democracy based on a sound economy while maintaining and further promoting its hard-won peace and stability like many other democracies in the world today.

At the same time, the Government has been able to successfully bring in 98 per cent of the armed groups, in making peace accords and in joining hands with the Government in the rebuilding of a new Myanmar since 1989. The Government of Myanmar is working together with various United Nations agencies, non-governmental organizations and interested foreign Governments in creating necessary conditions to bring these former armed insurgent groups into the mainstream, transforming them into responsible citizens of the country and cooperating with them also to eliminate opium production in Myanmar, which has been in existence in the country and the region for more than a century.

Until recently one of the 10 political parties that exist in the country, the National League for Democracy (NLD) party, unfortunately had pursued a policy which was detrimental to the interests of a nation going through a challenging period in the process of an evolution towards democracy. This is where many new

democracies fail to achieve their objective when going through a similar process, tragically resulting in chaos, anarchism and even ending up having civil wars.

Myanmar, in 1988, went through months of riots, looting, social anarchy and even mob executions before safety was restored. It was an experience no one in Myanmar wants to go through again. The Government of the Union of Myanmar, therefore, takes the issue of political instability very seriously as it moves towards its goal of a stable and multiparty democracy.

The political climate in the country has distinctly improved since the beginning of the dialogue between the Government and the NLD party. Confidence and understanding between the two sides has been promoted and cooperation, rather than confrontation, began to materialize. As a consequence, those NLD members detained in order to maintain peace and tranquillity were released and are still being released. The requests for Chairman U Aung Shwe and U Tin Oo of NLD to limit their movements were also lifted. The result of the ongoing talks between the Government and the NLD party has also led to the following developments:

(a) Governmental cooperation in the reopening of the NLD party branch offices in various townships in the country;

(b) Governmental support and cooperation being provided to NLD and nine other legally existing political parties in carrying out their party activities in the framework of the existing laws of the country;

(c) Government being able to promote better understanding with the NLD leadership while safeguarding its national interest of maintaining peace, stability and national unity which the nation is at present enjoying for the first time in its modern history since its achievement of independence in 1948.

The ongoing political process between the Government and the NLD party is steadily gaining momentum. The positive developments taking place at present is an indication showing that the process is on the right track. The Secretary-General's Special Envoy, Mr. Razili, also highlighted this point after his recent visit to Myanmar in August 2001, which was reflected in the press release by the Secretary-General as "both sides are committed to the process".

However, there are those, both inside and outside Myanmar, who are demanding immediate changes. They believe that a country can transform itself into a functioning democracy overnight. They believe that just holding an election solves a country's problem. They believe that slowing Myanmar's economic development through various measures and pressures will expedite the transition to democracy. But history compels us to be more realistic. New democracies do not automatically succeed. In fact, many fail. They fail when they are built on fragile foundations and unrealistic expectations but they thrive when they are built on a solid economic base, when there is a constitution suited to the culture and needs of the country, when societies are stable and when national security is assured.

The transition of Myanmar to democracy is very complex, as its experience with democracy in the past has demonstrated. In fact, its post-war democratic system was unable to survive the political, ethnic and social pressures and had to be abandoned in 1962 to avoid the break-up of the country. Therefore, Myanmar must act realistically and responsibly in laying the foundations of a democratic system that is suited to its culture and national security and that will last for many years.

If Myanmar loses the basic peace and stability it has achieved, the groundwork for democracy may be lost. The Government then would fail in its primary responsibility, which is to protect its citizens from harm and to maintain national security.

The Government of Myanmar warmly appreciates the interests, concerns and opinions of its partners in the international community. The support and understanding of countries which have gone through experiences similar to those of Myanmar has helped the country move forward. As the country's stability and prosperity grows, economic opportunity will grow and its political system will be able to develop. This is the goal of Myanmar and the understanding, support and patience of the international community in achieving that goal would be appreciated by all people of Myanmar.

III. Full cooperation with the relevant United Nations mechanisms

A. Cooperation with the Special Rapporteur

Myanmar has consistently cooperated with the United Nations throughout its membership, except for the visit of Justice Rajooma Lalah of the Commission on Human Rights to Myanmar. However, in 2001, the Government of Myanmar accepted the visit of Special Rapporteur Professor Pinheiro, who visited Myanmar from 3 to 5 April 2001. During the visit, the Government of the Union of Myanmar extended every assistance to the Special Rapporteur to facilitate his visit, complying with all of his specific requests. This has all been formally acknowledged in his interim report. Despite his short visit, the Special Rapporteur could meet with many political personalities, including Daw Aung San Suu Kyi of the NLD party.

In October 2001, the Special Rapporteur visited Myanmar for the second time. The Government made detailed arrangements to facilitate his request for meetings as well as for trips to areas of his particular interest. Although the visit was originally scheduled to last 12 days, he had to shorten the visit by 2 days owing to a problem with his health. He was able to meet with a wide range of individuals and organizations, including governmental officials, the leadership of various political parties, including the NLD party, leaders of ethnic groups and international civil society organizations. The Special Rapporteur expressed his appreciation for the full cooperation that he received from the Government of the Union of Myanmar.

It is hoped that the extensive itinerary of the Special Rapporteur has given him a wider and realistic perception of the country. Furthermore, his visits to some Asian countries, such as Japan, Malaysia and Thailand, and discussions with governmental officials, civil societies and members of the legislative bodies of those countries prior to his visit to Myanmar, have, it is hoped, given him more opportunity to obtain a better perspective of the situation of the Union of Myanmar. Based on the balanced methodology, the report that he has produced and the conclusions that he has reached should certainly serve as a sound basis for the consideration of the Myanmar situation.

B. Continued cooperation with the Special Envoy of the Secretary-General

The Government of the Union of Myanmar has continued its cooperation with the Secretary-General's Special Envoy, Ambassador Razali Ismail. Since his appointment as Special Envoy, Mr. Razali has visited Myanmar five times, his most recent visit taking place in August 2001. During his frequent visits, Mr. Razali met with a wide range of individuals and organizations, including governmental officials, the leadership of various political parties, including leaders of ethnic groups, international civil society organizations and the business community. His reports and official pronouncements should also receive the due emphatic mention that they deserve in drafting the resolution on Myanmar.

C. Cooperation with the International Labour Organization

Despite the adoption of a resolution on Myanmar at the 88th session of the International Labour Conference, which the Myanmar delegation considered unfair and unjustified, Myanmar resumed cooperation with the International Labour Organization (ILO) to seek a solution on the issue. As a result, the ILO delegation visited Myanmar from 17 to 19 May 2001 to discuss with the Myanmar side the terms of reference for the visit of a high-level team from ILO to carry out an objective assessment of the practical implementation of and actual impact of the framework of legislative, executive and administrative measures adopted by the Government. The high-level team of ILO, led by the former Governor-General of Australia, Sir Ninian Stephan, and consisting of the former Labour Secretary of the Philippines, Nieves Roldan-Confesor as deputy leader, the former Chief Justice of Sri Lanka, Kulatilaka Ranasinghe, and Judge of the European Court of Human Rights and former Assistant Foreign Secretary of Poland, Jerzy Makarczyk, as members, paid a three-week visit to the country in September/October 2001. The Government of the Union of Myanmar extended full cooperation to the team in arranging requested meetings and fact-finding trips to various parts of the country identified by the high-level team. The team was given unfettered freedom to carry out its assessment and provided with unlimited access, even in far-flung border areas.

IV. Initiative on human rights

In April 2000, the Government of the Union of Myanmar established a 20-member Human Rights Committee, with the Minister for Home Affairs as Chairman. As part of this initiative, the Government has conducted a series of human rights workshops with the cooperation and assistance of the Australian Government. The public officials from the most relevant ministries and bodies, such as the Ministry of Home Affairs, including personnel of the police force, the Office of the Attorney General, the Ministry of Education, the Ministry of Social Welfare, the Ministry of Health, the Ministry of Foreign Affairs and the Ministry of Defence, and representatives of local non-governmental organizations participated in the workshops. As a result of these workshops, the Government has been able to educate a vast pool of human resources at the national level in the field of human rights.

V. Efforts to upgrade the health status of the country

The Government is committed to strengthening the country's health system in order to meet the needs of the people. It is making every attempt with its available resources to ensure equitable access to primary health services, even in the remote areas. The health sector is the fourth largest recipient of funding from the governmental budget after the agricultural, construction and educational sectors. In 1988 the Government's health expenditure was kyats 436 million. It has increased to kyats 43,559 million since then. Developments in health infrastructure can be seen by the addition of 97 hospitals, 65 rural health centres and 20 urban health centres, while 74 existing hospitals were also upgraded.

The Government is firmly committed to fighting the spread of HIV/AIDS and is addressing the issue as a matter of priority. HIV/AIDS has been designated as a disease of national concern. A high-level multisectoral National AIDS Committee, chaired by the Minister for Health, was formed in 1989 to oversee the national AIDS programme in Myanmar. The National Health Committee, the highest policy-making body, provides policy guidance and necessary assistance to enhance HIV/AIDS prevention and control activities in the country.

Despite very limited international assistance, Myanmar has adopted a comprehensive HIV/AIDS prevention and control programme. In early 2001, the national AIDS programme and the Joint United Nations Programme on HIV/AIDS drafted a joint plan of action for the prevention and control of HIV/AIDS in the country. It is a comprehensive plan, covering all aspects: education, prevention, cure and rehabilitation. Since its implementation will require considerable financial resources, Myanmar is mobilizing local and international agencies for the needed resources. In this regard, the European Union has very recently expressed its intention to make contributions to the activities identified in the joint plan of action. This certainly will bring the level of funding for the HIV/AIDS campaign in Myanmar closer to that made available to its neighbouring countries.

VI. National efforts for the promotion of the educational sector

The Government has consistently given priority to the educational sector since its assumption of State responsibilities. As a matter of priority, the Government concentrated on the building of educational infrastructure to create equal opportunity for children to fulfil the right to education. This has achieved concrete results. A total of 4,488 primary schools, 416 middle schools, 230 high schools and 125 colleges and universities have been newly established since 1988. The expenditure for the educational sector is progressively increasing, representing the third largest in the national budget. The Government's expenditure of kyats 8,559 million in 1998-1999 financial year increased to kyats 28,170 million in the 2000-2001 financial year. At present, all university courses and schools remain open. The Government is also making every effort to facilitate an uninterrupted pursuit of education throughout the country. Although there had been some adjustments in the length of the academic year, the Government ensured that those adjustments did not affect the quality of education and that the established curricula were completed. Now the academic year has been brought back to its normal length.

VII. Economic situation

The efforts of the Government in the economic sector are aimed at achieving the ultimate objective of bringing about a high standard of living for the more than 51 million people of Myanmar, in line with the social objectives of the Government. The Government inherited a rapidly deteriorating economy in 1988, with a very low foreign exchange reserve. The political turmoil in that year left in its wake a completely devastated country in material terms. The civil administration structure was in complete disarray. Compounding the problems, developed countries and multilateral financial institutions have denied the country access to official development assistance, loans and grants since 1989. Unilateral sanctions were applied and investments were denied. Travel to the country was discouraged so as to choke tourism, which was a promising source of foreign exchange. This situation left very little room for the Government to revitalize the country's economy. In spite of these restraints, the economy has performed satisfactorily over the past 10 years. In the biennium 1999-2000, gross domestic product grew by 10.9 per cent. The sustained economic growth over the recent years contributed to a better quality of life for the majority of the population. While criticism of the Government for various social ills of the country continues, the Government has been able to make perceptible progress in its efforts for the all-round development of the country. The fact that, since 1999, Myanmar has been upgraded from the category of countries enjoying low development to the medium human development category in the human development index of the United Nations Development Programme reflects this progress.

VIII. Conclusion

In the past year, with the improving political climate in the country, the Government of the Union of Myanmar has been able to take a series of positive steps. However, as a country undergoing a very complex transitional process, many challenges remain. All of the positive developments mentioned above are a clear demonstration of the Government's commitment to overcoming all of the challenges in a systematic and incremental manner. These developments, as well as the interim report of the current Special Rapporteur, should be duly taken into consideration.